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Russia: Treatment of homosexuals by society and government authorities; legal recourse and protection available to homosexuals who have been subject to ill-treatment (2006 - February 2007)

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According to the London-based *Gay Times* magazine, the gay community outside the "vibrant" scenes of Moscow and Saint Petersburg "is still underground or non-existent" (n.d.). Despite a reportedly "marginal" increase of tolerance and public awareness on gay-rights issues in Russian society (Gay.ru n.d.), several media sources highlight the persistence of societal discrimination against homosexuals in Russia (*The Independent* 17 Feb. 2006; US 8 Mar. 2006, Sec. 5; RFE/RL 24 May 2006). According to Radio Free Europe/Radio Liberty (RFE/RL), homosexuality "is still widely perceived as a perversion or a mental illness" (ibid.). A 2005 opinion poll cited by London's *The Independent* daily revealed that 43 percent of Russians believed that gay men should be imprisoned (17 Feb. 2006). In 2006, Agence France-Presse (AFP) cited a survey conducted by Russia's Levada Centre polling firm, which found that 37 percent of Russians believe that gays should be legally punished, while 45 percent "are against homosexuality" (15 May 2006). According to *Country Reports on Human Rights Practices for 2005*, "[o]penly gay men were targets for skinhead aggression, which was often met with law enforcement indifference" (US 8 Mar. 2006, Sec. 5). In addition, *Country Reports 2005* noted that gay and lesbian patients were sometimes given limited or no access to medical services due to the prejudice of some healthcare practitioners (ibid.).

On 20 September 2005, a Russian district court found that the Russian state railway had discriminated against a candidate for employment because his military card indicated that he had a "mental disorder" due to his homosexual orientation (IHF 2006; ILGA 23 Sept. 2005). In 1999, the Russian psychiatric establishment ceased to consider homosexuality a mental illness (ibid.; *Le Figaro* 2 May 2006; AFP 15 May 2006). However, according to the Mental Disability Advocacy Center (MDAC), a Budapest-based international non-governmental organization (NGO) that provides legal advocacy for those with mental disabilities throughout Eastern Europe and the former Soviet Union:

[i]t is unfortunately common that Soviet system psychiatric diagnoses continue to be used to restrict everyday life. People with former records of psychiatric disorders or "bad military cards" - limited ability to serve in the military because of a (former) mental disorder - are routinely prevented from getting jobs. (ILGA 23 Sept. 2005)

The MDAC added that "bad military cards" were also used to deny professional certification and driver's licences (ibid.).

Homosexual behaviour was decriminalized in 1993 (*Le Figaro* 2 May 2006; AFP 15 May 2006), and it is legal throughout the territory of the Russian Federation with the exception of the state of Chechnya, where the maximum penalty under Sharia law is death (AI July 2006). Between 2002 and 2004, there were three attempts to criminalize homosexual behaviour, but they were unsuccessful (ibid.).

According to the Web site of the Ombudsman of the Russian Federation, any person residing on Russian territory may file a complaint to the Ombudsman free of charge (Russia n.d.). A complainant may simultaneously apply for protection and restitution of his or her rights (ibid.). In the event that the Ombudsman's office rejects a complaint, it is required to give a reason (ibid.). Media sources reported that Vladimir Lukin, Russia's human rights Ombudsman, voiced his opposition to Moscow's first gay-pride parade, saying that it would "irritate society" (AFP 16 May 2006; RFE/RL 17 May 2006), although he indicated that activists had the right to hold the parade (ibid.). Condemnation of the planned gay-pride parade was also heard from Moscow's Russian Orthodox Patriarchate, Russia's Chief Rabbi and the country's top Muslim cleric, the latter who reportedly "called on believers to 'bash' gays if they take to the street on May 27" (ibid. 24 May 2006).

In the spring of 2006, human rights bodies called on Russian authorities to rein in violence directed at homosexuals (ibid. 15 May 2006; HRW 8 May 2006; ibid. 2 June 2006). Human Rights Watch (HRW) urged Moscow authorities to investigate two specific incidents involving anti-gay violence (8 May 2006). On 30 April 2006, hundreds of skinhead, nationalist and religious protesters gathered outside a club hosting a lesbian, gay, bisexual and transgender party, reportedly throwing bottles, rocks and eggs at revellers and beating one person (HRW 8 May 2006). HRW notes that "[p]olice arrived, but only gradually" (ibid.). On 1 May 2006, about one hundred protesters allegedly smashed windows of a gay club and yelled abusive epithets; police reportedly arrested 39 protesters "charging most with minor offenses against public order" (ibid.). In May 2006, violence against homosexuals prompted Terry Davis, the secretary-general of the Council of Europe (COE) to urge Russian authorities to prosecute those involved in the attacks, which he considers "neither isolated nor spontaneous" (RFE/RL 15 May 2006).

On 27 May 2006, police and nationalist and religious protesters broke up Moscow's first ever gay-pride parade (ibid. 27 May 2006), which was held by dozens of gay rights activists despite a recent court decision upholding the parade's ban (HRW Jan. 2007). HRW reported that the activists were attacked by hundreds of anti-gay protesters, who physically and verbally assaulted them (ibid.). Police arrested Nikolay Alekseyev, the organizer of the march (ibid. 2 June 2006; RFE/RL 27 May 2006), and "detained" about 90-120 gay rights activists (ITAR-TASS 27 May 2006; ILGA 29 May 2006), out of approximately 200 gay rights protesters (ibid.). Police also arrested 16 nationalist protesters who were trying to disrupt the parade (ITAR-TASS 27 May 2006). According to the International Lesbian and Gay Association (ILGA), the police presence was 1,000 officers-strong (ILGA 29 May 2006). In June 2006, HRW called upon Russian authorities to prosecute those who participated in the disruption of the 27 May 2006 gay-pride parade and to investigate the police response (2 June 2006).

According to HRW, the Moscow Mayor's Office reportedly has a program to deliberately counteract advocacy of sexual minorities (2 June 2006). For instance, in March 2006, the office reportedly advised taking "concrete measures" to prevent public gay rallies, including launching a media campaign and instigating legal measures to counter gay advocacy (HRW 2 June 2006). This report could not, however, be corroborated by the Research Directorate within time constraints.

In August 2006, the Russian Information Agency (RIA) Novosti reported that a group of young people broke into an apartment building in southeast Moscow and stabbed four people in what police described was a hate crime against gays (23 Aug. 2006). All four victims were hospitalized: one went into a coma and another was gravely injured (RIA Novosti 23 Aug. 2006). Police were attempting to find the perpetrators (ibid.). Gay.ru, Russia's National Gay, Lesbian, Bisexual and Transsexual Web site reports that this was the sixth attack on gays in 2006 (24 Aug. 2006), although further or corroborating information on these two reports could not be found among the sources consulted by the Research Directorate within time constraints.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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